

MEMO IN RE: SPRING CANYON WASH

A careful survey of actual physical conditions on the ground indicates the following with reference to the DeMarco-Eleganti dispute:-

(a) That rights under application #5390 which are claimed by Eleganti are in no wise beneficially used in accordance with the right as defined in the records of the State Engineer's office. This right was granted for the irrigation of certain lands which are now in the possession of and being cultivated by Maria DeMarco.

(b) That the points of diversion described in the right of record do not permit or call for a diversion of any water from what are known as Goat Springs, the point of diversion being located above the points of issuance of Goat Springs.

(c) That the Eleganti's have other points of diversion which, not being of record in the State Engineer's office, have no legal standing. The law, with reference to points of diversion or the change of same, is quite clear and sets out a regular procedure which must be followed to make the rights legal.

In addition to the physical facts above set out it is to be noted that if this dispute was dropped comparatively simple arrangements for use of water and distribution could be made for these two parties assuring to each their legal rights without interference with the other and under a simple method of irrigation which could be plainly understood.

The protests of the Eleganti's against the granting of application #9501, by John Ambrosa, has no standing whatever as said application calls for the diversion of this water below any of the Eleganti diversions and the application of course is subject to the prior rights of Eleganti.

J. M. Bacon
State Engineer.

6/18/27